


IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

DEC 28 2005

JUDITH M. CORCORAN, CLERK  
BY:  DEPUTY CLERK

DAVID PAUL MASSIE,  
Petitioner,

v.

UNITED STATES,  
Respondent.

)  
) Civil Action No. 7:05cv00774  
) Criminal Action No. 6:94cr70128  
)

) **FINAL ORDER**  
)

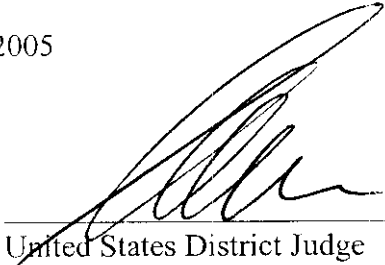
) By: Samuel G. Wilson  
) United States District Judge

In accordance with the accompanying memorandum opinion, it is hereby **ORDERED** and **ADJUDGED** that the above referenced motion pursuant to 28 U.S.C. § 2255 is hereby **DISMISSED** pursuant to Rule 4(b) of the Rules Governing Section 2255 Proceedings. This action is stricken from the active docket of this court.

Massie is advised that he may appeal this decision pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure by filing a notice of appeal with this court within 60 days of the date of entry of the Order, or within such extended period as the court may grant pursuant to Rule 4(a)(5).

The Clerk is directed to send certified copies of this order and the accompanying memorandum opinion to the petitioner and counsel for the respondent.

ENTER: This 28th day of December, 2005

  
United States District Judge